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Held at Headquarters, New York, on Friday, 14 November 2003, at 10 a.m.

Chairman:	Mr. Belinga-Eboutou	(Cameroon)
later:	Mr. Maertens (Vice-Chairman)	(Belgium)
later:	Mr. Belinga-Eboutou (Chairman)	(Cameroon)

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The meeting was called to order at 10.15 a.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/58/118 and Corr.1, 121, 181 and Add.1, 185 and Add.1-2, 186, 212, 255, 257, 261, 266, 268, 275, 276 and Add.1, 279, 296, 309, 317-318, 330, 380 and 533; A/C.3/58/9)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/58/127, 218-219, 325, 334, 338, 379, 393, 421, 427, 448 and 534; A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/58/36)

1. **Mr. Baali** (Algeria) said that the 1993 World Conference on Human Rights had in the Vienna Declaration and Programme of Action established the indivisibility and interdependence, and hence equal importance, of all human rights and had recognized the link between human rights, democracy and development. Unfortunately, in a restrictive and selective interpretation of the Declaration, the economic and social dimensions of human rights were being subordinated increasingly to political considerations and conditions. In integrating a human rights perspective into its work, the United Nations must do more to promote economic, social and cultural rights, which were grounded in the right to development.

2. The universality of human rights, however, did not imply a single model of social or political organization, but rather was founded on a recognition of cultural, historical and geographical particularities and of the shared international norms underlying relations among nations. No nation could arrogate to itself the right to stand in judgement of others or to subject developing countries to human rights eligibility criteria.

3. While the report of the United Nations High Commissioner for Human Rights (A/58/36) looked at terrorism from the viewpoint of the bloodshed it caused, the truer perspective, based in law, was that taken in the Secretary-General's report on the implementation of the United Nations Millennium Declaration (A/58/323), which emphasized its impact on human rights and fundamental freedoms. Algeria, severely harmed by terrorism, had nonetheless for years been building a State under the rule of law, with pluralist institutions, power-sharing and free and fair elections. The Government had made it a priority to institute long-term reforms in the judiciary to guarantee the basic legal rights of the people.

4. Algeria was a party to the main human rights instruments and regularly fulfilled its reporting obligations. It had set itself, as the goals for its implementation of the Vienna Declaration and Plan of Action, the achievement of international human rights cooperation through dialogue rather than confrontation; rationalization of existing United Nations machinery to avoid duplication or the marginalization of economic and social rights; and the realization of the right to development.

5. **Mr. Zhang** Yishan (China) said that despite many striking accomplishments in promoting and protecting human rights in the 10 years since the adoption of the Vienna Declaration and Programme of Action, ways had to be found to resolve the many problems that still existed. Lasting world peace, on which the observance of human rights was predicated, was still elusive, and only when the international community established a new security concept based on mutual trust and benefit, equality and cooperation would it be possible to prevent mass violations of human rights.

6. The legitimate concerns of the developing countries must be addressed, for economic, social and cultural development was the key to the realization of human rights. Both developed and developing countries must face that major challenge of the day. The first concern should be to alleviate the poverty of the developing countries, which accounted for three fourths of the world's population but only one fifth of the world's wealth. In a diverse world where countries differed historically and culturally and in levels of development, the necessarily divergent views on how to promote the universal realization of human rights could be resolved only through cooperation and dialogue.

7. China had always respected human rights. Having in recent decades achieved decent living standards for its people, the Government, guided by the rule of law,

was actively improving its political democracy to ensure democratic elections, decision-making processes and oversight. It was overhauling its legal, judicial and law-enforcement system to institute greater human rights guarantees and was raising its citizens' awareness of their rights. His Government valued its international exchanges and cooperation in the area of human rights with many countries and with the United Nations, which had yielded rich results and deepened mutual understanding.

8. **Ms. Knowles** (Australia) said that her Government was committed to working cooperatively with Governments throughout the world to promote democracy, good governance and the rule of law, the preconditions for the enjoyment of human rights. It urged all Governments to strive to find ways to advance the human rights of their people.

9. In Iraq, the overthrown regime had left a shocking legacy of human rights abuses against the people, including the murder of up to 300,000. Committed to assisting the Iraqi people to establish robust democratic institutions, Australia strongly encouraged the international community to support stabilization and rehabilitation efforts in the country.

10. Burma's lack of progress in improving its very serious human rights situation was disquieting. The Government should release Aung San Suu Kyi from house detention, release all political prisoners, lift restrictions on freedom of association and expression, put an end to forced labour and child soldiers and take steps towards national reconciliation.

11. The regime in Zimbabwe continued to intimidate and attack people who opposed it, in particular supporters of the legally constituted opposition party, and repressive legislation had been used to stifle all public dissent and to force the closure of the country's only independent newspaper. The Government's policies were impoverishing the people of Zimbabwe. Australia called upon it to establish a framework for political reconciliation and economic recovery and to return to democratic values.

12. The human rights and humanitarian situation in the Democratic People's Republic of Korea was also troubling, and that Government should be urged to engage more fully with the international community in a dialogue on human rights.

13. While the President of Iran was making efforts to promote the rule of law and protect human rights in the country, in cooperation with the European Union and the United Nations, there continued to be violations of due process in the judicial system, attempts to suppress freedom of the press and heavy-handed responses to public demonstrations. Australia urged Iran to reform its judiciary and do more to uphold the religious and cultural rights of minorities.

14. China should press ahead with planned legal and administrative changes to rectify acknowledged shortcomings in its human rights practices. Australia was concerned by detentions and executions for political crimes or expressions of dissent. It urged China to ratify the International Covenant on Civil and Political Rights and to address the social grievances of ethnic minorities.

15. Australia hoped that Israel and the Palestinian Authority would end the tragic loss of life and injury on both sides by implementing the Quartet's road map to a permanent two-State solution to the Israeli-Palestinian conflict.

16. While confronting terrorism and separatism, Indonesia must remain committed to effective civil governance that respected the human rights of all citizens, and it should keep open channels of dialogue on special autonomy arrangements. Indonesia must be urged to bring to justice those responsible for human rights abuses in East Timor.

17. She welcomed the recent court decision in Nigeria reversing a sentence of death by stoning. The country's judiciary should continue to conform to international human rights standards that outlawed such forms of punishment.

18. Her Government urged Uganda to continue its efforts to end the atrocious conflict with the armed insurgency in the country, and urged the rebel group to cease abducting children to fight its war and to cease mistreating them.

19. Australia welcomed the formation of the transitional Government in the Democratic Republic of the Congo, after years of violence and atrocities, but it hoped that, with the assistance of the multinational United Nations force, the ongoing conflict in the eastern part of the country would be brought to an end. West African countries were to be applauded for having negotiated the recent ceasefire in Liberia, and

the deployment of the United Nations peacekeeping force should help to establish political reconciliation there.

20. **Mr. Tripathi** (India) observed that the framers of his country's Constitution at the time of independence had been enlightened visionaries with a deep concern for human values. As a signatory to both the principal covenants on human rights and all other major human rights instruments, India had consistently sought to promote both sets of rights as a composite whole, and its democratic institutions had stood the test of time.

21. The direct relationship between development and enjoyment of human rights was undeniable, as was that between freedom and human rights. Dignity and well-being could not be protected in the face of grinding poverty. Without a favourable global economic environment and the evenhanded promotion of the rights of people everywhere, universal adherence to human rights standards would remain elusive. Consequently, national capacity-building should be at the centre of the international community's effort to promote human rights, as in the case of the forthcoming Khmer Rouge trials in Cambodia.

22. National human rights institutions had a seminal role to play in promoting and protecting human rights, and their independence, autonomy and genuine powers of investigation must be assured. India intended to present its biennial resolution on that question. The growing intrusiveness of United Nations agencies into areas that fell within the purview of States, however, was a matter of increasing concern. The trend could not be justified in terms of national capacity-building, and was as damaging to the human rights edifice as were unchecked proliferation and duplication of mandates.

23. Terrorism had emerged as a truly global threat from which no nation was exempt. No cause, religion or ideology justified terrorism, which devastated the human rights of those it targeted, especially the most fundamental, the right to life. It would be a mistake to think that States were the only ones that could violate human rights.

24. For States, the challenge lay in striking the right balance between curbing terrorism on the one hand and adhering to international law and human rights standards on the other. Collectively, nations must ensure that the human rights debate was not used for the pursuit of narrow political agendas or to fulfil territorial ambitions.

25. **Ms. Olamendi** (Mexico) said that, after three years in office, the Government of President Vicente Fox had laid the foundations for achieving the full enjoyment of human rights. A number of key steps had been taken to develop a national human rights policy based on three pillars, namely, accession to international human rights instruments, openness to scrutiny and international cooperation and willingness to respect the recommendations of competent bodies. Within the framework of that policy, several concrete actions had been implemented, such as the establishment of the Governmental Commission on Human Rights Policy, the creation of human rights units in the vast majority of federal Government offices, the entry into force of a federal law to prevent and eliminate discrimination and the establishment of the Office of the Special Prosecutor for the Investigation of Past Crimes. An extensive country-wide system for the protection of human rights also existed in Mexico, comprising some 32 state commissions and a National Human Rights Commission.

26. One of the first issues to be addr ssed by the Governmental Commission on Human Kights Policy was the 388 recommendations made to the Government of Mexico by the various international monitoring bodies and mechanisms, the vast majority of which were the result of the 13 official visits made to the country over the preceding three years.

27. Significant progress had also been made with the implementation of a number of cooperation programmes. The Technical Cooperation Programme between the Government of Mexico and the Office of the High Commissioner for Human Rights was in its second phase and the Office would be presenting a survey of the human rights situation in the near future. In addition, negotiations with the European Commission had been concluded on a cooperation agreement that would help to strengthen the mechanisms for negotiation and dialogue between the Government and civil society organizations.

28. The work being done at the domestic level in Mexico was consistent with its active foreign policy, the fundamental goals of which were the promotion of higher standards of protection and the strengthening of international monitoring mechanisms. In that connection, Mexico had in recent years launched major initiatives that had gained the support of States

committed to the promotion of human rights in all areas of the world.

29. With regard to the legitimate fight against terrorism, States had an obligation to ensure that any measure adopted was consistent with international human rights, humanitarian and refugee law. There was a need further to strengthen cooperation mechanisms and the role of the competent international organizations to increase the effectiveness of efforts in that area.

30. Turning to the subject of persons with disabilities, she said that States had recognized the importance of elaborating an international instrument to protect the rights of that group and to help remove obstacles preventing their full and equal integration into society. Although significant steps had been taken in that direction, the process was advancing very slowly, and she hoped that the proposals of the Joint Working Group would make it possible to begin negotiations on a binding legal instrument in the near future.

31. States also had a duty to protect especially vulnerable groups, such as migrants, from human rights violations. More than 150 million people worldwide now lived outside their countries of origin. Migrants were the victims of stereotyping, new forms of racism and intolerance and even slavery and she wished to reiterate the concern of the Government of Mexico regarding the persistence, in various parts of the world, of policies and practices that affected their human rights. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had entered into force on 1 July 2003 but the number of States parties was still limited. She appealed to all States seriously to consider acceding to that instrument.

32. Lastly, in September 2002 the Inter-American Court of Human Rights had issued an advisory opinion in which it categorically found that the legitimate stay of a person in a State was not a necessary condition for that State to respect and guarantee the principle of equality and non-discrimination, since that principle was fundamental in nature. That opinion reinforced international law in the field of human rights and provided States with an important clarification regarding their obligations in the area of non-discrimination.

33. **Mr. MacKay** (New Zealand) said that, at a time of global uncertainty and change, it was important to remember that human rights were fundamental to prosperity and international security. The international community must address widespread limitations on the exercise of political, civil, economic, social and cultural rights, which were often among the root causes of problems and conflicts, with more determination. In that connection, open and constructive dialogue was essential. All States must work with the United Nations to ensure that the international instruments to promote and protect human rights were universally accepted and applied.

34. The promotion of human rights was a collective responsibility which transcended international boundaries. New Zealand had therefore chosen to continue to voice concern where there was compelling evidence of gross human rights violations with a view to protecting the rights and freedoms of the most vulnerable and those without a voice in international forums. He applauded the courage of all human rights defenders, particularly those working in countries which had chosen to ignore international standards, and reminded all States that freedom of expression, including unfettered media freedom, was a fundamental human right.

35. During the preceding year, he had noted with dismay actions to restrict the freedoms of speech and assembly in Zimbabwe and the continued undermining of the rule of law and the independence of the judiciary and the media. He was also deeply concerned by the Zimbabwean Government's attempts to exert influence over the distribution of humanitarian aid by international relief organizations. He reiterated his call to the Zimbabwean Government to comply fully with its international human rights obligations and restore democratic governance and the rule of law to the country.

36. Turning to the situation in Nigeria, he welcomed the recent decision to overturn a conviction of adultery issued by a Shariah court. New Zealand would continue to encourage the federal Government of Nigeria to strengthen its judicial institutions and abolish capital punishment, in accordance with its constitutional values and international human rights law.

37. New Zealand was still monitoring the peace process in the Sudan and urged the Government and the Sudan People's Liberation Army to respect fully the ceasefire and to work together to ensure a just and

lasting peace. In the context of the transition to democracy, he called on the Sudan to comply with its obligations under international human rights instruments.

38. With regard to the ongoing conflict in Israel and the occupied territories, he said that suicide bombings and State-sponsored assassinations were continuing to feed the cycle of violence and were causing the suffering of innocent people on both sides. He urged both parties to refrain from violence, to identify and bring to justice those responsible for human rights violations and to observe fully international human rights standards. He strongly supported the efforts of the Quartet to work towards a peaceful resolution and called on all parties to re-engage actively in the process. To that end, the Palestinian Authority should take tangible steps to demonstrate its rejection of violence and Israel should desist from imposing obstacles to reconciliation, in particular the security wall around the West Bank.

39. He welcomed the participation of Iran in a dialogue with its partners on human rights issues and its willingness to cooperate with United Nations mechanisms in that area. He urged the Iranian Government to take all possible steps to ensure full respect for human rights and to address all areas identified in earlier reports as requiring attention.

40. Turning to the situation in Afghanistan, he said that New Zealand welcomed the progress achieved in implementing the Bonn Agreement and supported the efforts of the Transitional Authority and the Constitutional Commission to restore constitutional, democratic government. Nevertheless, he urged both the Transitional Authority and the Afghan Independent Human Rights Commission to continue to address areas of concern, inter alia intimidation and violence against activists and women's rights.

41. A prolongation of the status quo in Myanmar was untenable. Along with other members of the international community, New Zealand condemned the re-arrest of Aung San Suu Kyi and urged the authorities in Yangon to release her, and all other political prisoners, immediately and begin the process of national reconciliation. He was deeply disturbed by continued reports of systemic and pervasive human rights abuses and observed that further suffering was being caused by the ongoing deterioration of the economic and humanitarian situation. He called on the authorities in Myanmar to heed the voice of the international community.

42. The human rights situation in the Democratic People's Republic of Korea, which continued to set itself apart from the international community, was also extremely troubling. He urged that country to respect its international obligations and to allow access to independent human rights observers.

43. He welcomed the continued improvement in socio-economic conditions in China and hoped that that improvement would be matched by a corresponding increase in civil and political freedoms and that China would soon ratify the International Covenant on Civil and Political Rights. In addition, he encouraged China to strengthen cooperation with the special procedures of the Commission on Human Rights. Although the commitment of the Chinese leadership to the development of a society under the rule of law was commendable, he expressed concern over restrictions on freedom of expression and religion and reports of arbitrary arrest and mistreatment of prisoners. Nevertheless, he was heartened by recent efforts within the academic community to review the use of the death penalty and encouraged the Government to pursue those deliberations. Furthermore, New Zealand continued to urge China to expand the dialogue with the Dalai Lama and allow greater participation by the Tibetan people in decisions regarding their development.

44. The outcome of the Timor-Leste ad hoc human rights tribunals in Indonesia had been disappointing. In his view, the process had not delivered justice for the crimes against humanity committed in Timor-Leste in 1999 and had contained a number of serious deficiencies which cast a shadow over the credibility of the verdicts. In addition, he was concerned that the sentences handed down were not commensurate with the seriousness of the crimes committed. He hoped that the appeals process would be consistent with international standards and would be conducted transparently.

45. Lastly, the ongoing reports of human rights abuses in Chechnya and Ingushetia were disturbing. While he acknowledged the right of the Government of the Russian Federation to defend its territorial integrity and combat terrorism, he urged both parties to the conflict to halt the pattern of violence and called on the Government, in cooperation with international

representatives, to investigate rigorously all alleged human rights violations. He expressed concern about the plight of internally displaced populations in Ingushetia and those who had returned to Chechnya and called on the Government of the Russian Federation to ensure their safety and security and to provide equal and fair access to humanitarian support and compensation for damage or destruction of property.

46. **Mr. Konfourou** (Mali) noted that respect for citizens' rights and freedoms and their equality before the law were enshrined in the Malian Constitution. Following the advent of peace and the introduction of democracy, in 1991, Mali had strengthened its institutional mechanisms for the protection and promotion of human rights and had unequivocally reiterated the principle of the separation of powers. Therefore, in addition to the traditional human rights institutions, the Government had also established the National Consultative Commission on Human Rights, the Ombudsman of the Republic and the Committee on Equal Access to State Media.

47. In addition, on 10 December every year, the "Space for Democratic Exchange" (EID) provided a forum for citizens to voice any complaints they might have regarding the exercise of their rights. In the weeks leading up to 10 December, a commission was set up in order to rule on the admissibility of complaints and on the day itself the complainants aired their grievances before a jury, composed of Malian nationals, foreigners and representatives of civil society, and the national press. The jury then made recommendations to the Government, which were rigorously followed up and evaluated.

48. Mali recognized and guaranteed fundamental freedoms, inter alia, the freedom of expression, which was an essential element of a democratic society. It also ensured equity in the judicial process, through the provision to all defendants of a legal adviser during the preliminary proceedings.

49. Lastly, he pointed out that the Malian Government had ratified almost all the international human rights instruments and reaffirmed the commitment of his delegation to strengthened regional and international cooperation with a view to their effective implementation.

50. **Mr. Hachani** (Tunisia) expressed particular concern about human rights violations committed against populations living under foreign occupation and the growing numbers of people living in poverty. The international community should step up its efforts in the areas of development and poverty eradication, given that guaranteeing respect for human rights required an integrated approach in order to ensure access to basic social services, education and health care, the introduction of a minimum wage, the strengthening of local social service structures and the mobilization of adequate resources. In that context, there was a need to treat social and economic and civil and political rights equally.

51. It was widely recognized that, in accordance with the Vienna Declaration and Programme of Action, human rights and human development shared a common purpose: to secure the freedom, well-being and dignity of all people everywhere. The report of the Acting High Commissioner for Human Rights emphasized that the notion of development was no longer understood as only economic growth, raising national income or technology-transfer issues, but was also construed as enhancing people's capabilities.

52. Human rights education was a determining factor in the promotion of an environment conducive to the protection and consolidation of those rights. In that connection, his delegation endorsed the recommendation of the Acting High Commissioner regarding the need to pursue efforts to create a culture where tolerance and respect for the other, rather than violence, prevailed. It also commended the contribution made to that end by the mechanisms of the Commission on Human Rights, in particular the special rapporteurs on freedom of religion and racism.

53. Within the framework of the implementation of Tunisia's commitments under the international human rights instruments to which it was a party, concerted efforts, including constitutional reform and the introduction of democratic governance, had been made at the domestic level to create an environment conducive to citizens' well-being and personal development. Thus, in accordance with a global human rights strategy, deep-seated reforms, affecting almost all current legislation, were under way with a view to strengthening political pluralism and freedom of expression and association. Socio-economic reforms had also been undertaken, and progress had been made in, inter alia, the areas of education, health and the rights of women and children.

54. **Mr. Erwa** (Sudan) expressed appreciation for the efforts of the Representative of the Secretary-General on internally displaced persons to remain in constant communication with Sudanese officials in the context of the preparations for the first regional conference on internal displacement of the Intergovernmental Authority on Development (IGAD), held in Khartoum in September 2003, the details of which were contained in paragraph 35 of the Representative's report (A/58/393). With his coordination, the United Nations and the German Agency for Technical Cooperation (GTZ) had joined the Sudanese Government in funding that conference, which had been attended by the IGAD member States, the United Nations Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations High Commissioner for Refugees (UNHCR), as well as by many Sudanese and other non-governmental organizations (NGOs).

55. It was extremely regrettable that the Sudanese Government had received no official notification of the seminar, held in Rumbek in November 2002, on internal displacement in Southern Sudan, details of which were contained in paragraph 25 of the Representative's report. It was a matter of concern that the Representative and the other organizers of the seminar had bypassed the recognized official procedures for such matters, in which regard he stressed the importance of respect for the sovereignty of States and their national regimes. He hoped that efforts would be made to avoid any recurrence of such regrettable oversights, bearing in mind the sensitivity of displacement issues and the delicate situation in the areas where the seminar and its preceding workshop had been held. Lastly, he encouraged the Representative to pursue wide-scale consultations on the Guiding Principles on Internal Displacement, which he believed to be the best method of achieving consensus on the subject within a comprehensive government framework, thereby guaranteeing the success of the Representative's mandate.

56. **Ms. Rodsmoen** (Norway) said that, in the name of the fight against terrorism, human rights were being seriously affected and combating terrorism was being used as a pretext for torture and to silence human rights defenders.

57. Development and poverty eradication also entailed the promotion of human rights. Access to a health system and to education was essential for realizing an individual's right to physical integrity and freedom of expression. Empowered individuals were powerful agents of development and change and oppressive regimes did not foster sustainable development.

58. In addition, human rights issues were an essential part of conflict resolution and peace-building efforts and should be better integrated into the relevant United Nations activities. Civilians were the principal victims of conflict, which led to massive displacements. Member States should send a strong message that they accepted their responsibilities with regard to the internally displaced and were willing to offer them stronger protection and more assistance. The United Nations High Commissioner for Human Rights could play an even more important role in assisting countries emerging from conflict and should be provided with the necessary resources to meet that challenge.

59. Norway remained strongly opposed to the death penalty, which it believed could have no justification; the goal was universal and absolute abolition. Moreover, it was essential to conduct impartial investigations into all allegations of human rights violations and follow up findings.

60. Norway remained deeply concerned about the situation of human rights and international humanitarian law in Belarus, Chechnya, Colombia, Israel, Myanmar, Nepal, the Democratic People's Republic of Korea, Palestine, Turkmenistan and Zimbabwe but welcomed positive developments in China, the Democratic Republic of the Congo, Sierra Leone and the Sudan. Afghanistan and Iraq had recently undergone dramatic changes and now had the chance to establish the rule of law, democracy and respect for human rights, with the help of the international community. Following the recent arrests of independent journalists, it urged Cuba to respect the right to freedom of expression and association. Challenges remained in most of those countries and he urged Governments further to promote and protect human rights and recommended that the international community should continue to follow the situation closely.

61. Norway welcomed the award of the 2003 Nobel Peace Prize to Shirin Ebadi of Iran. Ms. Ebadi had been a staunch defender of human rights for many years and had shown that human rights were universal and did not belong to one culture or religion. He hoped

that the Prize would contribute to a better understanding of the role of human rights defenders and improve the human rights situation in Iran.

62. Lastly, denying women their universally recognized human rights deprived many countries of the resource that women represented when they were full contributors to social and economic progress. Women should be granted full and equal participation in all areas of society.

63. **Mr. Roduit** (Switzerland) said that Switzerland was concerned by the increasing polarization of discussions within the Commission on Human Rights, which affected its authority and credibility. It had therefore decided to become actively involved in initiatives to make the work of the Commission more objective and transparent and favoured a progressive approach with the support of most member States and all the regional groups. Specific measures could include following up geographical and thematic resolutions, increasing the involvement of national human rights institutions in the Commission's sessions, and setting up a database on each country so as to increase the objectivity of discussions on the situation of human rights throughout the world.

64. Human rights had been adversely affected by the fight against terrorism. Consequently, links between the work of the Commission on Human Rights and the Security Council should be encouraged. For example, a human rights expert could be appointed to assist the Counter-Terrorism Committee, and the General Assembly could encourage the Commission to establish a special procedure for aligning counter-terrorism measures with human rights, or increase the visibility of the mandate of the Special Rapporteur on human rights and terrorism by inviting her to present her reports to the Third Committee.

65. With regard to women's issues, Switzerland welcomed efforts to involve women in official peace processes. The feminization of migration should oblige Governments to establish migratory policies that took women's specific vulnerability into account. Trafficking in women and children urgently required concerted efforts to eradicate its underlying causes and Switzerland was committed to the protection of the fundamental rights and freedoms of the victims, as well as to prevention efforts.

66. Switzerland supported the Secretary-General's efforts to open the United Nations to all entities able to contribute to achieving the Organization's objectives, particularly the Millennium Development Goals. The private sector's entry into the arena opened up new opportunities for the promotion and protection of human rights. Nevertheless, its efforts could only be complementary to those of the Governments of Member States and Switzerland favoured constructive partnership strategies to improve human rights.

67. **Mr. Luria** (Israel) said that his Government recognized the growing importance of teaching the younger generation about human rights, particularly in view of the heterogeneous nature of Israeli society and of the ongoing conflict with the Palestinians. In contrast to the previous view that Israeli society should be a "melting pot", the prevailing concept was one of multiculturalism in order to encourage the cultures and traditions of the diverse groups. The educational system endeavoured to enable all students, irrespective of their background, origin, culture or religion, to integrate into Israeli society as equal citizens.

68. As part of the effort to foster understanding and respect between Jews and Arabs, schoolbooks were presenting the history of Palestinians next to the history of Zionism. The introduction of that initiative during the height of the conflict with the Palestinians illustrated his Government's vision of educating the younger generation to value co-existence, tolerance and respect for others. Likewise, one of the objectives of the civics education course was to inspire commitment to a democratic form of government and to encourage students to internalize a world view of human rights as the heritage of all mankind.

69. In addition to the regular curriculum, the Israeli authorities had organized various informal structures that contributed to human rights education. They included a youth and society department attached to the Ministry of Education, which attempted to prepare young people for responsible citizenship and involvement in community life. The Ministry of Education had also established an affirmative action programme to raise academic achievement by allocating additional resources to the Arab, Bedouin and Druze sectors.

70. The extent to which a society was committed to upholding human rights was sorely tested in times of tension and conflict. Israel trusted that its education for human rights initiatives would stand it in good stead in the difficult times it was experiencing.

71. *Ms. Maertens (Belgium), Vice-Chairman, took the Chair.*

72. **Mr. Amorós Núñez** (Cuba) said that the need to recognize fundamental human rights and the equality of the rights of men and women and large and small nations was more important than ever. However, that was difficult to accomplish when neo-liberal globalization had resulted in an increase in inequality and exclusion in most countries. The current world order resulted in a reduced group of countries enjoying and disseminating unreasonable, unsustainable and unachievable consumer patterns. The abyss between wealth and poverty was increasing not only among developing and developed countries, but also within the industrialized world itself, in the pockets of poverty fed by phenomena such as migration. If firm action was not taken, the right to development would increasingly be a chimera. To promote and protect the rights of the individual, it was necessary to overcome the conditions in which only a minority had full access to the wealth of humanity.

73. The Vienna Conference on Human Rights had reaffirmed the importance of the promotion and protection of all human rights and fundamental freedoms and the need to promote dialogue using objectivity, impartiality and non-selectivity as guiding principles. However, in the different bodies of the United Nations human rights mechanisms, political manipulation and selectivity were increasingly used by some of the industrialized countries who were trying to impose their standards and models of democracy and human rights. Human rights were being politicized, using double standards and selective approaches, not only in the consideration of country situations, where the developing countries were singled out for criticism, but also in the unbalanced treatment of human rights, with civil and political rights favoured over economic, social and cultural rights and the right to development.

74. Such attempts to judge and stigmatize developing countries were generating a process of rejection. The industrialized countries had no intention of promoting cooperation or strengthening the protective function of the relevant United Nations bodies, because that would entail respecting the basic principles of international cooperation, to which they had shown no commitment. The Committee had heard some arrogant and politically motivated statements containing inaccurate, incomplete and selective lists, focusing, as always, on the countries of the South.

75. The world could not be expected to conform to the standards of a limited number of industrialized societies, which had not shown themselves to be more just or equitable despite their vast material wealth. The limitations, problems and challenges of the human rights issue were present in one way or another in both developing and developed countries. For example, in many of the industrialized countries that advocated democracy, anti-democratic practices were rife; likewise, there were growing restrictions to the exercise of the most elemental civil and political rights in many of those nations on the pretext of combating terrorism. There were growing restrictions to the freedom of opinion and expression of groups, organizations and individuals who denounced the devastating effects of the neo-liberal model, consisting of an unfair globalization lacking solidarity of social justice.

76. Democracy and universality could be based only on genuine respect for the right of peoples to give themselves the political, economic and social organization they deemed appropriate, without external interference.

77. **Mr. Mushtaq** (Pakistan) said that the reports before the Committee served as a grim reminder that, fifty-five years after the adoption of the Universal Declaration of Human Rights, the full realization of human rights still had not been achieved. The attacks of September 2001 and subsequent events represented a major reversal in the promotion and protection of human rights. Terrorism violated human rights, and State terrorism against occupied peoples was its worst form. Some States had exploited the international campaign against terrorism to justify repression by associating the legitimate struggle for self-determination with terrorism; Palestine and Kashmir were two examples.

78. The people of Jammu and Kashmir continued to be deprived of their right to self-determination. They were still waiting for India to keep the promise made over 55 years earlier, that they would be able to choose their destiny through a United Nations-supervised plebiscite as prescribed in the relevant Security Council resolutions. The reign of terror unleashed against them by the Indian security forces had become more oppressive by the day, under the pretext of combating cross-border terrorism. A series of laws recently adopted gave them cover to indulge in mass violations of human rights. The dramatic increase in

extrajudicial killings and incidents of desecration of Muslim places of worship provided ample evidence of that alarming trend. The international community must impress on India the need to end its campaign of repression against the Kashmiri people. A just settlement of the dispute in Jammu and Kashmir would transform the region and enable its people to focus their energies on development.

79. Poverty was the single most significant cause of human rights violations, and developing countries continued to contend with acute problems like unsustainable debt burden, reverse financial flows, unequal terms of trade and lack of market access. Determined efforts were needed to contain the negative aspects of globalization and to ensure that development opportunities were available to all. Comprehensive assistance to the poorest countries to enable them to achieve their social and economic goals was the best means of protecting human rights.

80. The United Nations treaty system and other human rights mechanisms needed to streamline their activities, taking into account the difficulties faced by developing countries in responding to requests for information, reports and cooperation. The objective of those mechanisms should be the promotion and protection of human rights, not fixing blame.

81. **Ms. Chenoweth** (Food and Agriculture Organization (FAO)) said that the Intergovernmental Working Group established in the context of the follow-up to the World Food Summit had prepared a first draft of a set of voluntary guidelines to support the progressive realization of the right to adequate food. At its recent second session, on the basis of that draft, the Intergovernmental Working Group (IGWG) had discussed the legal implications of the guidelines, their structure and purpose and individual draft guidelines. It expected to submit the final draft voluntary guidelines for approval at the September 2004 session of the Committee on World Food Security.

82. A number of challenges must be overcome relating to the legal status of the right to food, which not all members of FAO and the United Nations recognized as legally binding. A second difficulty arose from the wording of the mandate of the IGWG to focus on the context of national food security; in a globalized world, policies in one country might affect the enjoyment of the right to adequate food in another.

83. FAO saw the voluntary guidelines as a practical tool to use in its own work. It was eager to have an instrument that would help its members adopt a rights-based approach to food security and nutrition. It had established an ad hoc unit on the guidelines and was working closely with the Office of the High Commissioner for Human Rights, the World Food Programme and the International Fund for Agricultural Development on that issue.

84. She drew attention to the International Alliance Against Hunger, which had been launched at the twenty-third observance of World Food Day on 17 October 2003. The Alliance represented a new partnership among Governments, food producers and consumers, community organizations and all other partners to work together to reduce poverty and guarantee freedom from hunger.

85. **Mr. Dall'Oglio** (International Organization for Migration (IOM)) said that it had been correctly pointed out that migrants' remittances to their home countries far surpassed official development assistance flows from developed countries to developing countries; they had exceeded US$ 80 billion in 2002. That implied, paradoxically, that the most substantive contribution to low-income countries came from the most vulnerable populations in the wealthiest countries, the emigrants; that was an important example of the relationship between human rights and development. Empowering migrants, therefore, was not only a moral obligation but an important investment for countries of origin and destination.

86. The International Organization for Migration welcomed the entry into force of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention against Transnational Organized Crime. Those instruments and their protocols offered a powerful framework for international cooperation to promote effective migration management. Awareness-raising, technical cooperation, advisory services and capacity-building would be crucial to broaden their ratification and support States parties in their effective implementation. IOM worked with Governments to ensure that their legislation and control mechanisms were compatible with international norms. It also worked directly with migrants to ensure that their rights were protected and that they had access to necessary information.

87. IOM continued to work towards the ratification of the Convention on the rights of migrants, and had participated in information campaigns in various countries to raise awareness of migrants' rights. More broadly, it was engaged in efforts to present a more realistic picture of the contribution migrants made to host societies.

88. In closing, he paid tribute to the Special Rapporteur for her tireless work in keeping the issue of migrants' rights on the agenda of the international community, and reassured her that IOM would continue to support her mission.

89. *Mr. Belinga-Eboutou (Cameroon), Chairman, resumed the Chair.*

90. **Mr. Rim** Song Chol (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the delegation of Japan continued to use the incorrect name for his country; he requested it to use his country's official name.

91. His delegation categorically rejected the allegations made by Japan regarding abductions. The responsibility actually lay with Japan because of its hostile policies towards his country. Anti-Japanese sentiment had continued to grow generation after generation. During the 40-year Japanese military occupation of Korea, 1 million people had been killed and women had been forced into sexual slavery. No family had escaped Japanese atrocities, and that toll could not be compared to a few missing persons. Japan should first apologize for its actions.

92. The Government of the Democratic People's Republic of Korea had shown sincerity and generosity towards its neighbour. The Pyongyang Joint Declaration had resolved the issue of the missing persons, but Japan had not kept its commitments and had abrogated the agreement. It had brainwashed the abductees who had travelled to Japan. If the missing persons were a priority, it should have returned those survivors.

The meeting rose at 12.55 p.m.